



State of Delaware  
Commission on Forensic Science

Minutes - 12/11/17  
10:00 am – 12:00 pm  
DFS – 1<sup>st</sup> Floor Conference Room  
200 South Adams Street  
Wilmington, DE 19801

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Chair, Chief R.L. Hughes. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Major Daniel Meadows	Delaware State Troopers Association
Representative John Mitchell	Delaware House of Representatives
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Christiana Care
Krystal Hans	Assistant Professor - Delaware State University
Secretary Kara Walker	Department of Health & Social Services

Non-voting Attendees

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

Johna Esposito	DFS - Quality Assurance Manager
Jill Fredel	DHSS – Communications Director
Christopher M. Klein	DSHS - Deputy Principal Assistant
Amrita Lal-Paterson	DFS – DNA Technical Leader
Jessica Smith	DFS – Chief Toxicologist
Rebecca Walker	DFS -- Chief Operating Officer

Absent Voting Commission Members

Senator Robert Marshall	Delaware State Senate
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## 2. Approval of the Minutes

- DAG Axelrod said the minutes referred to DNA as being “95%” government funded and requested it be changed to read “90%” government funded. Secretary Coupe made a motion to approve with this change and Secretary Walker seconded the motion. Hearing no other objections, all other voting members in attendance unanimously voted to approve the minutes of the November 6, 2017 meeting.

## 3. DFS Director's Report

- **Introduction:**

- COO Rebecca Walker said she is here today on behalf of Director Evans and will read the report he has prepared for the Commission.
- Given that the last Commission meeting was just one month ago, Director Evans' report will be rather brief.

- **Staffing:**

- The two new full-time pathologists continue in the process to obtain their DE medical licenses. Dr. Swartz is further along in the process with an anticipated start date of January 8<sup>th</sup>. We do not yet have a start date for Dr. Krolikowski. DFS is very much looking forward to both pathologists coming on-board as we currently have two doctors here in Wilmington managing the caseload of four.
- DFS is pleased to report that Dr. Edward McDonough has accepted the casual seasonal pathologist position in Georgetown. Dr. McDonough has returned to us after retiring from the Georgetown office several years ago. Dr. McDonough maintained his DE medical license and has already started with us and will assist by covering weekends and conducting autopsies in the Georgetown office.
- A Forensic Evidence Specialist position and a casual seasonal Forensic Investigator position have just recently completed the background phase. The casual seasonal investigator will start with us on January 8<sup>th</sup>; there is not yet a start date for the Evidence Specialist position.
- On December 6<sup>th</sup>, ten applicants were interviewed for the two remaining Analytical Chemist positions in the Forensic Chemistry Unit. Two selections were made and HR is in the process of making conditional offers.

- **Forensic Chemistry Unit:**

- On Monday, November 13<sup>th</sup>, the FCU began accepting drug evidence from all law enforcement agencies in the state with the exception of the New Castle County PD. To date, this process is running smoothly.

- We have been able to accelerate our timeline, and now plan to begin accepting drug evidence from the New Castle County PD on December 14<sup>th</sup>. This is about two weeks ahead of schedule and is due to the dedication and hard work of the chemists.
- For the first time in a long time, at least since Director Evans' time with DFS, the FCU has completed more cases in a reporting period than it received. In addition, the backlog of cases has been reduced to almost zero and again, DFS recognizes the chemists for their hard work.
- Additionally, thanks to Chemist Dena Lientz. The validation process has been completed on two of the three new GC/MS instruments and the third will soon be completed. This will allow us to now use the instruments for actual case testing.
- **DNA Unit:**
  - There was a total of approximately nine CODIS hits or matches both at the local and National level since our last meeting; three of those hits were as a result of the Sexual Assault Kit Initiative (SAKI).
  - Despite a 23% uptick in casework this year, the DNA Unit continues to successfully manage criminal case assignments with a very minimal backlog.
  - On behalf of the unit, Director Evans proudly reports that currently there is no backlog in CODIS known offender samples awaiting submission.
- **Toxicology Unit:**
  - The Toxicology Unit continues to see an increase in the number of cases received and, in fact, during the month of October, the Tox Unit tested more samples than in any other month -- not only year to date -- but for any single month over the last two years.
  - There has been a 36% increase in caseload over the last two years with no increase in staffing. Although the caseload per chemist has significantly increased, the Tox Unit continues to effectively manage the cases, resulting in acceptable turnaround times. DFS recognizes the chemists for their continued hard work and dedication.
  - In addition to the caseload, there are three research and development and method validation projects underway. This will result in our ability to expand the ELISA drug screen and amphetamine panels, as well as test for fentanyl analogues and synthetics.
- **Medical Examiner Unit:**
  - As of the end of October, there are **267 confirmed deaths certified as accidental drug deaths**, which is up from 222 for the same time period last year.
  - Similar to each of the other units, the M.E. Unit continues to see an increase in their caseload, whether they be inquiries, cremation permit requests, inspections or full autopsies. The weekends have been particularly busy, which has put an additional strain on the team.

- **Morgue Renovation Project:**

- According to the Project Manager from Facilities, the HVAC, the autopsy floor and the work stations portions of the project are in the process of being awarded to contractors. There was an administrative issue with the bids received for the body coolers portion of the project and it will have to be sent out to bid again. The thought is that the project can start without this bid being awarded but the delay may impact the backend of the project in terms of completion date.
- A vendor has been identified from whom to lease the portable refrigerated unit to store decedents during the morgue shutdown. This information has been shared with the procurement section of OMB and we are awaiting their approval before moving forward. Facilities will be covering all costs associated with the lease of the refrigerated unit.

- **Other Points of Interest:**

- Forensic Investigator Mark Horton recently passed his D-ABMDI certification exam. This is a very rigorous exam, which requires significant review and training. A job well done by Mark. Chief Hughes asked if all investigators have now passed this certification and Dr. Walker replied, yes.
- Dr. Gary Collins just recently learned from the American Board of Pathology that he successfully passed the Maintenance of Certification examination in Anatomic Pathology, Clinical Pathology and Forensic Pathology, and as such, maintains his board certification. Another job well done.
- The 2017 DFS customer survey was sent out to our partners with a January 12<sup>th</sup> deadline for completion. Johna Esposito will review the results of the survey and provide a summary of the feedback.
- DFS thanks Lisa Schwind for bringing some of her office staff here last week for a tour of the facility; and also Anita Symonds, who recently spent the day with our M.E. Unit. Please remember that our doors are always open to members of the Commission and we encourage you to take advantage of that.
- As requested by Director Evans, COO Walker disclosed a few items in the area of information sharing, data mining and on-going collaborative work with our partners.
  - The 3<sup>rd</sup> Quarter DMI (Delaware Monitoring Initiative) report was released by DIAC the first week in December.
  - The CJC monies for data mining the M.E. module were awarded a few months ago and the project was completed. This included training individuals, reporting process upgrades and working with the vendor, TCSC. This grant was for \$20,024.00.
  - DOMIP (Delaware Opiate Metric Intelligence Project) was awarded funding from the NIJ. Project will use PMP data, death data and resource location data to provide intelligence to public health and law enforcement to inform opiate targeted work.

Total amount to University of Delaware was \$588,717.00. DOMIP will be providing us resources to conduct this work.

- ESSOS is an enhanced state surveillance of opioid-involved morbidity and mortality for states. Of this grant, DFS is being awarded \$202,029.00 to expand data analysis capability and expand toxicology fentanyl testing capability. This expanded data analysis will mirror the ME data mining project and allow us to expand our testing capability by consulting with an outside provider, acquiring instruments and supplies.
  - Narcan Project: We held CPR training. To date, thirteen additional staff have been trained, need 18 more trained before we can roll out the project. The Narcan supply has been secured, policy/documents are drafted and training will be provided once we have everyone CPR trained.
  - Statewide Mass Fatality Plan: Working with planners at OEMS and Preparedness to codify internal process and prepare our team.
  - Statewide FAC: This is still in process. Once finalized, DFS will be doing the same with that.
- Ms. Anita Symonds asked the reason for the increase in productivity in the Toxicology Unit even though there was no increase in staffing. Chief Toxicologist, Jessica Smith, explained that the unit has gone paperless and totally redid their workflow and processes and it really improved efficiency. Chief Hughes said that his knowledge of the Tox Unit is that any time there is a chance for modifications, they embrace it and move forward; he thinks they are a very strong team.
  - Chief Hughes asked if the increase on test panels for fentanyl analogues and synthetics will increase the Tox workload and require additional people. Jessica Smith responded that the unit already performs fentanyl positive confirmation; however, now with the new test, they will be looking not at just one compound, they will be looking at 20. This will take a lot more time and effort to look much more in depth with this expanded panel. Chief Hughes then asked if the labs who deal with fentanyl testing are as safe as can be; are we where we need to be. COO Walker answered that DFS is getting there, now that we have Narcan available and require all lab employees to be CPR-certified; along with the AED and PPE already in place. Chief Hughes asked when employees don PPE. Ms. Esposito said that PPE is donned immediately, prior to testing.
  - Major Meadows asked if any changes in grant resources would have an impact either positive or adversely on the timelines regarding response by emergency personnel. COO Walker replied that it will not impact the recognition/identity of what is or isn't in our area. Chief Hughes said that DMI knows this information is extremely important and it is very resource driven.

### 3. Proposed 2018 Meeting Schedule

- Chief Hughes presented the proposed meeting dates for 2018. He asked Commission members to look them over and let him know if any dates are questionable; he said we can try to work around some if need be.

#### 4. Standards & Certifications Advisory Committee

- Johna Esposito reported that the Committee did hold a meeting and came up with a plan to create a list of what the Committee thinks is possible to do in order to increase pay and longevity. They will gather this information and present it to the Commission and decide what to pursue; i.e. what is most feasible, and then work more in depth on those.
- Chief Hughes asked who attended this meeting. Ms. Esposito responded the attendees at the meeting were herself, Dr. Krystal Hans, Robyn Quinn and Jamie Armstrong. The other committee member, Forensic Nurse Susan Wilgus, was not available due to illness.
- Chief Hughes asked if there is a meeting schedule for 2018. Ms. Esposito said, yes; they will be meeting immediately after each Commission meeting.

#### 5. Strategic Planning Advisory Committee

- DAG Axelrod reported that the Committee has not yet held another meeting but one is scheduled for January 8<sup>th</sup>. At that point, they hope to have gotten through some of the basic building block data and will be able to generate a report at some point in the first half of the new year.

#### 6. Commission's Purpose and Objectives for 2018

- Chief Hughes said he had some prior discussions on this topic with Ms. Symonds and thinks the bottom line is: 1) determine if this Commission is viable; 2) determine if this Commission is relevant; and 3) that Commission members take the time to review the eight items with which we were tasked. Chief Hughes said he would like to hold a meaningful discussion on this topic at the 2/12/18 meeting. He asked all Commission members to review the tasks assigned in Title 29 - § 4714(d).
- Ms. Symonds said, yes, Commission members need to take the time to review our purpose and the reason why we exist and keep in mind why we are here. She continued that this Commission was put together to not only make sure DFS is doing what they're supposed to be doing, but to also assist with communications with the community and make sure that the Commission is partnering with the community as well as DFS. She said she doesn't perceive the Commission as a one-way oversight. Ms. Symonds added that it is very important Commission members show up to these meetings. She said that we certainly need Representative Mitchell and Senator Marshall because, as she has learned, they play a very important role on this panel.
- Chief Hughes said he has some ideas how this Commission could become better advocates for DFS and will include these ideas in the Commission's 2/12/18 meeting in-depth discussions.

#### 7. Commission Members Open Discussion

- Ms. Anita Symonds reported that when she spent some time at DFS with Dr. Collins, she saw how ridiculously shorthanded the ME Unit is, but was impressed with the welcome she received and that everyone was working hard making everything function as it should.

Ms. Symonds said she also met with COO Walker to try to understand State finances but does not entirely understand it yet. She said that the point she is trying to get across is that she thinks Commission members would benefit from spending some time at DFS, getting familiar with how things work; Chief Hughes agreed.

- Ms. Symonds said she thinks that DFS would benefit if Commission members attend one of the public budget meetings with Chief Hughes to show our support for DFS and their request for monies. Secretary Coupe noted that DSHS has already had its first public meeting and the cabinet is now working on completing the Governor's budget. He said that this year's initial guidance was "zero" gain so there was not much room for wish lists. He said he made no requests for new funding for DFS as equipment purchases, the morgue renovations, etc. are already funded. Secretary Coupe said that right now the biggest ask for DFS is for building accommodations and my position is not to request \$500,000 for an architectural study. He said that the direction being taken with both Director Evans, OMB, and Facilities management is that since the autopsy suite is being renovated to a state-of-the-art facility, we will not waste this investment and that we should seek out an existing commercial or State facility to accommodate the other DFS operations.
  - ODS Schwind said that the Commission will have ample opportunities to go to Dover and should spend time with different committees and meet with some representatives and senators. She said that they should be informed so that the crisis here is understood and they should hear about this directly from Commission members. Chief Hughes said he will obtain a date or two and set up some times so that the Commission members can talk with representatives and senators. He said as a Commission, we need to educate people about what really goes on at DFS and how important its services are to the State of Delaware.
  - Representative Mitchell believes it is a good idea for members of this Commission to get one-on-one face time in the legislative offices, the JFC, and bond bill committee members and let them know the Commission's position. He thinks that this type of process will have some impact. Rep. Mitchell said he has sat on several different commissions and they usually last 6-9 months, but this one has been going on for a few years and these members' dedication and service are really appreciated.
  - Chief Hughes said he would like to take this opportunity to congratulate Major Meadows on his being named Sergeant-At-Arms for the Delaware/Maryland Chapter of the National FBI Academy.
8. Executive Session pursuant to 29 Del. C. § 10004(b)(6) (discussion of personnel matter)
- Chief Hughes said it is at this point in our meeting that the Commission will go into Executive Session and asked for a motion. Secretary Coupe made a motion to move forward with the session and Major Meadows seconded the motion. Hearing no other objections, all other voting members in attendance unanimously voted to approve the motion.
  - The Executive Session began at 10:50 a.m. and concluded at 11:06 a.m.

## Adjourn

- Hearing no other questions/concerns, Chief Hughes acknowledged the meeting was adjourned.

FINAL

**Next Meeting Date:** Monday, April 9, 2018  
DFS – Wilmington, 1<sup>st</sup> Floor Conference Room  
10:00 am – 12:00 am